

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 25TH MAY 2007 / 4th VAISAKHA 1929

RP.No. 1130 of 2006()

AGAINST THE JUDGEMENT/ORDER IN RSA.547/2006 Dated 13/10/2006
AS.200/2002 of DISTRICT COURT, PALAKKAD

REVIEW PETITIONER/1ST RESPONDENT IN R.S.A.:

DEVI, W/O.P.S.PARAMESWARAN,
PUTHEN VEEDU, PANANGATTIRI, CHITTUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.A.SREERAMAKRISHNAN
SRI.G.HARIHARAN

RESPONDENTS: APPELLANT IN R.S.A/RESPONDENTS IN R.S.A:

1. CHAMI, S/O.KRISHNANKUTTY,
RESIDING AT PUTHENVEEDU, PANGATTIRI,
CHITTUR TALUK.

RESPONDENTS 2 TO 6/RESPONDENTS IN R.S.A. DEFENDANTS 2 TO 4 & 8

2. PERUMAL VADYAR,
PUTHENVEEDU, PANANGATTIRI, CHITTUR TALUK.

3. LAKSHMI, W/O.NARAYANAN, PUTHENVEEDU,
PANANGATTIRI, CHITTUR TALUK.

4. RUGMANI,
W/O.PARAMESWARAN,
PUTHENVEEDU, PANANGATTIRI,
CHITTUR TALUK.

5. KARTHIYANI,
D/O.KRISHNAN, PUTHENVEEDU,PANANGATTIRI,
CHITTUR TALUK.

6. RADHA,
D/O.KRISHNANKUTTY VADIYAR,
PUTHENVEEDU, PANANGATTIRI,
CHITTUR TALUK.

BY ADV. SRI.K.JAYAKUMAR
SRI.SAJAN VARGHEESE K.

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD
ON 09/04/2007 THE COURT ON 25-05-2007 PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

R.P. NO. 1130 of 2006
in
R.S.A. 547 of 2006

Dated, this the 24th day of May 2007

ORDER

The plaintiff in O.S. 325 of 1975 on the file of the Munsiff's Court, Chittoor is the petitioner in this Review Petition. the aforementioned suit instituted by the petitioner herein was one for partition and separate possession of the plaintiff's share over the plaint schedule properties. The above Second Appeal (R.S.A.) filed by the 6th defendant in the suit was disposed of by this Court giving an opportunity to the 6th defendant to have a re-assessment of the mesne profits (share of profits) due from him. This judgment in the Second appeal was pronounced after hearing all the parties including the review petitioner. This court noticed the glaring discrepancies in the claim for mesne profits and the quantum fixed.

2. I fail to see as to how the review petitioner is aggrieved by the direction in the Second Appeal. This Court has only directed a re-determination of the quantum of the share of profits due to the plaintiff's from the 6th defendant. The review

petitioner can very well adduce evidence in this behalf and the 6th defendant also will be entitled to adduce rebuttal/contra evidence. I do not find any error apparent of the face on record justifying interference.. This Review Petition is accordingly dismissed.

**V. RAMKUMAR,
(JUDGE)**

ani.

